



CITY OF CARSON

March 23, 2010

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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

LB Nye, Ph.D
Chief, TMDLs and Standards
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street – Suite 200
Los Angeles, CA 90013

Subject: Los Angeles River Bacteria TMDL Scoping Issues

Dear Dr. Nye:

The **City of Carson** is pleased to comment on the Los Angeles Regional Water Quality Control Board's notice to "scope" the Los Angeles River bacteria total maximum daily load (LAR-BTMDL).

The City is concerned about the process that Regional Board staff appears to be pursuing in formulating a CEQA clearance for this "activity." Specifically the notice does not define the project. This is, perhaps, because a draft LAR-BTMDL has not yet been made public. In any case, the City cannot, as the Regional Board's notice requests, provide the following information:

- The reasonably foreseeable methods of compliance with the Bacteria TMDL for themselves or other responsible parties.
- The reasonably foreseeable, significant adverse environmental impacts associated with the listed means of compliance.
- Specific evidence supporting that such impacts are reasonably foreseeable and describing the magnitude (significance level) of the impacts.
- Reasonable alternative means of compliance resulting in less significant, adverse environmental impacts.

Because the LAR-BTMDL is not the City's project it has no idea as to what the *foreseeable methods* of compliance would be with this TMDL; nor can it provide specific evidence supporting methods of compliance that could or would result in significant environmental impacts. Furthermore, determining compliance strategies requires knowing what the waste load allocation (WLA) would be for the reach in which the City is located and its contribution, if any, to impairing the

unspecified REC1 activity for Compton Creek. This is why the Regional Board should circulate the draft LAR-BTMDL first before attempting to scope it.

Once the Regional Board staff produces a draft, the City recommends that it do the following:

- Identify which municipal permittees will be affected by the LAR-BTMDL.
- Identify the beneficial uses for each affected reach within the Los Angeles River and explain how bacteria impair them. The explanation should be detailed and based on credible evidence. For example, if REC1 is being impaired for Reach 1 of the Los Angeles River, the Regional Board staff should identify the specific REC1 activity¹ that it believes is being impaired with evidence supporting that contention.
- Identify the cost of complying with each strategy to meet the waste load allocations (WLAs) for wet and dry weather. This will determine if the cost impact will have a significant adverse impact on the City. This would also facilitate performing an economic analysis, which the City believes is required under Porter-Cologne.
- Because of the complexity of CEQA relative to this TMDL, Regional Board staff should consult with Regional Board planning staff and should give serious consideration to retaining a consultant to help with the CEQA clearance.
- Address the following as it relates to completing the CEQA clearance (EIR, negative declaration or a substitute thereof) for this project:
 - When does the Regional Board plan on preparing an initial study for the project and what environmental checklist does it plan on using?
 - When does the Regional Board plan on deciding the kind of CEQA clearance it will use²?
 - When does the Regional Board plan on sending a Notice of Preparation (NOP) of the CEQA clearance it will use to the affected agencies?
 - When does the Regional Board plan on preparing the CEQA clearance?
 - When does the Regional Board plan on sending the draft CEQA clearance out for comment?

¹Specifically swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of hot springs.

²The City recommends that the Regional Board resort a program EIR or substitute thereof because of the complexity of the TMDL and its enormous potential for causing significant environmental impacts.

- To what agencies and/or groups does the Regional Board plan to circulate the draft CEQA clearance for comment?
- When does the Regional Board plan on preparing a final CEQA clearance and a response to comments?
- When does the Regional Board plan on making findings on the feasibility of reducing or avoiding significant environmental effects?
- When does the Regional Board plan on making a decision on the project?
- When does the Regional Board plan on filing a Notice of Determination with the Office of Planning and Research?
- What steps does the Regional Board plan to take to assure that environmental justice concerns are addressed?

A program EIR or substitute should be appropriate for the LAR-BTMDL. It should be clear that the cost of compliance, based on cost data provided by the Regional Board for other TMDLs, could have a significant impact on other aspects of the environment.

Take for example diverting low flow discharges from the storm drain system to a sewer treatment facility to meet a dry weather non-stormwater bacteria TMDL. Not only would the cost of this proposition be enormous to the extent of reducing City programs and services³ but there is the question as to whether the publicly owned treatment facility has the capacity to accept the non-stormwater runoff.⁴

Further, dry and/or wet weather flows directed to these intra-municipal infiltration controls, away from Compton Creek earthen bottom and the LA County Flood Control District's retention basin east of Compton Creek (into which the City's runoff discharges) could have an adverse impact on hydrology, water quality and the plants and animals that depend on it. Would then the project:

substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?⁵

³Including but not limited to recreation for youth and seniors, low to moderate income housing development, economic development, public safety, and public works.

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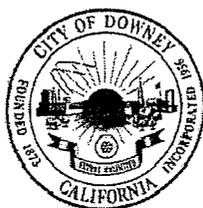
⁵Taken from the current CEQA environmental checklist that the City uses to evaluate projects for environmental impacts.

In closing, the City appreciates the opportunity to comment on this very important matter and hopes that you take its concerns and recommendations into careful account. In the meantime, should you have any questions regarding this matter, please feel free to call me at (310) 847-3529.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Elkins".

Patricia Elkins
Storm Water Quality Programs Manager



City of Downey

FUTURE UNLIMITED

March 17, 2010

LB Nye, Chief, TMDLs and Standards
California Regional Water Quality Control Board, Los Angeles
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Subject: Los Angeles River Bacteria TMDL CEQA Scoping Meeting Issues

Dr. Nye:

The City of Downey appreciates the opportunity to have attended the subject meeting on March 10, 2010 and provide our initial comments for consideration in preparing the project Supplemental Environmental Documentation (SED). As with other recent Los Angeles Regional Water Quality Control Board (LARWQCB) California Environmental Quality Act (CEQA) meetings, we believe the Board has misinterpreted and neglected its CEQA duties by under defining the Los Angeles River Bacteria Total Maximum Daily Load (LAR-BTMDL) project prior to and during this meeting. We appreciate that part of this challenge may be associated with integrating the CREST process, which admirable reduced the scientific uncertainty of the impairment and may result in a more acceptable TMDL. The following are our additional specific recommendations and comments.

Narrow the project scope to a pathogenic bacteria TMDL: One of our first issues, raised during this meeting, questioned why the Board is noticing a nebulous "bacteria" TMDL, rather a pathogen TMDL. Clearly, some bacteria are human pathogens (e.g. *Vibrio cholerae* or *Escherichia coli* O157), but our bodies contain more bacteria cells than human cells and most organisms are physiologically symbiotic with at least some bacteria. The Board could have proposed a general pathogen or specific bacterial pathogens TMDL, but has chosen not to. Instead we learned at the workshop that the Board is proposing an "Indicator Bacteria" TMDL; in essence a "Witch Hunt" to kill a few, mostly beneficial, bacteria types common in the fecal matter from all manner of wild life, but also known to replicate in sediments and as bio-films on conveyance surfaces.

Narrow the scope to address a subset of projects: Midway through the meeting, based on audience questions, we learned that this project is to address dry and wet weather flows. If such a basic scoping issue went undefined in the project notice, we must ask what other parameter were ignored? All types of indicator bacteria, including aerobic, anaerobic or facultative anaerobes? Are we expected to address some subset of bacteria from the intestines of worms, insects, birds, coyotes, feral dogs, pet dogs, feral humans living outside of municipal laws? Are we addressing sanitary sewer overflows, which have just become regulated under a significantly different state program? Without additional information, it is impossible to scope the level of impact on the environment from this nebulous and unnecessary bacteria TMDL project and the CEQA hearing should be revisited when a programmatic project has been defined.

Include No Project, SSO and Use Attainability Assessment (UAA) alternatives:

The greatest value in any environmental assessment effort, including this SED, is to divine the reasonable and foreseeable impacts of the proposed project alternatives and then select the least harmful alternative. The Clean Water Act (CWA) has noble goals, but this crusade is ill-timed, poorly planned and doomed to failure. The local, state and national economy is in shambles. January 2010 unemployment in the Los Angeles Gateway region is at 14.8%. Agencies (including the Board) are freezing vacancies, furloughing staff, and distributing pink slips. While the CREST implementation plan is innovative and responsive to the Board's objectives, it is still a billion dollar escapade posed to become a multi billion dollar boondoggle. The wet-weather proposal for bacteria discharges, consists of nebulous Low Impact Development concepts that would require decades to implement, assuming cities focused on the objective. Even after the investment of our tax dollar treasure, the most likely result would still be water that is impaired, for Recreation 1 beneficial uses, due to natural sources of indicator bacteria. As presented to you at the meeting, other county agencies have attempted to disinfect runoff water, only to find out that so long as the nutrients remain, the water is quickly repopulated by indicator bacteria. Given these observations, a reasoned alternative would be to allow the recently adopted State Sanitary Sewer Overflow program to be implemented and assert its impact on drainage. Otherwise, we'll be spending our way into bankruptcy and producing a permanent adverse environmental impact on the river environment for a project that is unlikely to achieve anyone's objectives. Please make the UAA a starting, rather than ending, point for this effort.

Identify and Address Programmatic Environmental Impacts: The City of Downey anticipates that the SED should function as a programmatic environmental assessment and therefore address as many of the project's impact as possible; so that the same issues do not need to be addressed in subsequent pre-construction level analyses. A well written and accepted programmatic assessment should be followed by (mitigated) negative declarations that address site specific issues. Based on our rudimentary understanding of the Los Angeles River Bacteria TMDL, the SED should address:

- ✓ The diversion of dry and storm runoff from the Los Angeles River and its tributaries.
- ✓ Green House Gas generation from energy consumption (conveyance and treatment).
- ✓ Temporary construction site air, noise, parking and traffic impacts.
- ✓ Construction of dry and storm runoff storage facilities.
- ✓ Construction of additional potable (storm) and wastewater (dry) treatment capacity.
- ✓ Growth inducing impacts of additional potable water production.
- ✓ Seismic risk from additional groundwater storage of runoff (due to LID or injection).
- ✓ Flood risk associated with concrete embankment removal.
- ✓ Impact on the provision of local and state services for alternative costs estimates.
- ✓ Impact on avian wildlife from reduced dry-weather flows in the Los Angeles River.
- ✓ Potential wealth redistribution and environmental justice impacts.
- ✓ Reduction in the existing stock of housing caused by storage facility construction.

Ms. Stephanie Rose and Mr. Rik Rasmussen
November 5, 2008, Page 3 of 4

Given the fundamental unknowns associated with the Los Angeles River Bacteria TMDL, it is apparent to us that most check list item identified at the March 10, 2010 meeting may present a "potentially significant impact". Since the meeting ran nearly twice the scheduled two hour duration, for many items, there seemed no reason to characterize all the ways in which a potentially significant environmental impact might be observed. Therefore, the City of Downey recommends that the CEQA meeting be reconvened after the TMDL alternatives have been identified and the following issues identified for each of those alternatives with potential impact resolutions:

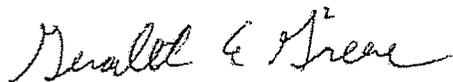
- The draft SED identifies the reasonably foreseeable, significant adverse environmental impacts associated with the alternative means of compliance.
- Allocation of TMDL implementation or enforcement costs has been addressed, which we believe to be a required element under the State Porter Cologne Act.
- The TMDL accommodates compliance without alleviation of the impairment. (Note attached photograph for an example of the magnitude of the natural source problem.)
- The TMDL addresses prioritization since 20% of the watershed (i.e. the Rio Hondo watershed) produces substantially less than 1% of the dry-weather flow.

We have also attached comments submitted to the State Water Resources Control Board, by the San Gabriel River Watershed, on November 5, 2008, following the October 22, 2008 CEQA Scoping hearing for development of Bacterial Standards for REC-1 Waters (outside of the Los Angeles Region). We believe these comments are representative of the issues that might develop during consideration of the draft SED.

Finally, based on personal experience with the complexity of composing an appropriate CEQA analysis and extrapolating that to the billion dollar Capital Improvement Program (CIP) that appears to constitute the dry-weather portion of the Los Angeles River Bacteria TMDL, LARWQCB staff should give serious consideration to retaining a professional environmental consultant to assist with the CEQA clearance effort.

In closing, the City of Downey appreciates this opportunity to comment on the Los Angeles River Bacteria TMDL and hopes that you take our recommendations and comments into consideration. If you should have any questions regarding this matter, please feel free to call me at 562-904-7112 or email me at ggreene@downeyca.org.

Sincerely,

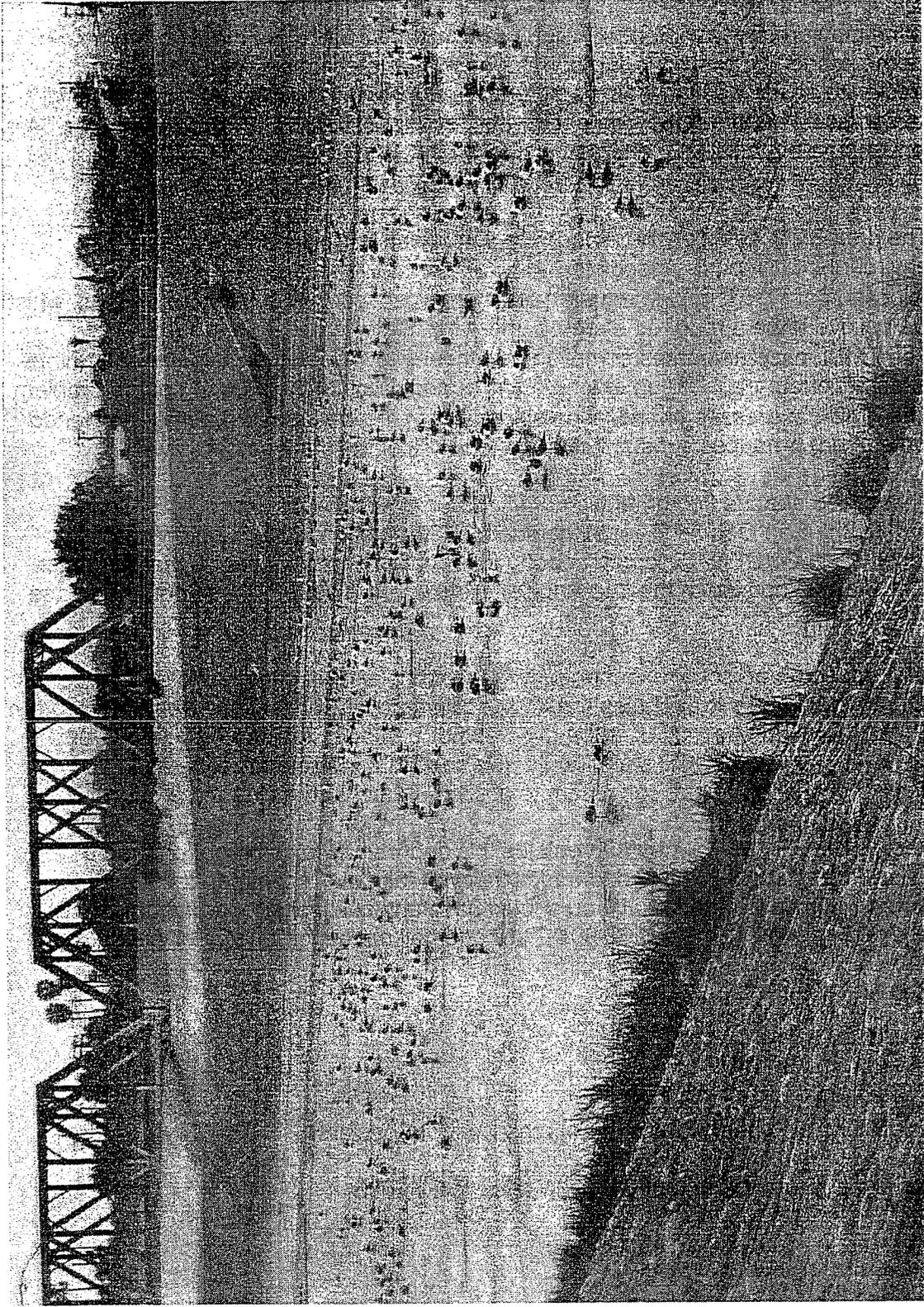


Gerald Greene, DEnv, PE, QEP
Principal Civil Engineer, Water Resources Control Specialist

Attachment: November 5, 2008 SGRW letter to SWRCB

CC: Tracy Egoscue, Executive Office, LARWQCB
Marianne Lutz, Chair, LARWQCB
John Hunter, LARWMC Chair

Dr. LB Nye, LAR BTMDL CEQA
March 17, 2010, Page 4 of 4



Looking west, at California Gulls, from the Los Angeles River east bank, South of Firestone Boulevard, March 12, 2009



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

March 15, 2010

LB Nye
Chief, TMDLs and Standards
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street – Suite 200
Los Angeles, CA 90013

Subject: Los Angeles River Bacteria TMDL Scoping Issues

Dear Dr. Nye:

The City of Duarte is pleased to comment on the Los Angeles Regional Water Quality Control Board's notice to "scope" the Los Angeles River bacteria total maximum daily load (LAR-BTMDL).

The City is concerned about the process in that Regional Board staff appears to be pursuing in formulating a CEQA clearance for this "activity." Specifically the notice does not define the project. This is, perhaps, because a draft LAR-BTMDL has not yet been made public. In any case, the City cannot, as the Regional Board's notice requests, provide the following information:

- The reasonably foreseeable methods of compliance with the bacteria TMDL for themselves or other responsible parties.
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Because the LAR-BTMDL is not the City's project it has no idea as to what the *foreseeable methods* of compliance would be with this TMDL; nor can it provide specific evidence supporting methods of compliance that could or would result in significant environmental impacts. Furthermore, determining compliance strategies requires knowing what the waste load allocation (WLA) would be for the reach in which the City is located and its contribution, if any, to impairing the unspecified REC1 activity for the Reach 1 and 2 of the Rio Hondo.

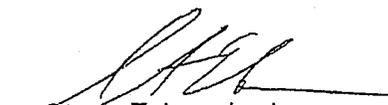
Once the Regional Board staff produces the draft LAR-BTMDL, the City recommends that the following information be included:

- Identify which municipal permittees will be affected by the LAR-BTMDL.
- Identify the beneficial uses for each affected reach within the Los Angeles River, and based on evidence, explain how bacteria impair them.
- Identify the cost of complying with each strategy to meet the waste load allocations (WLAs) for wet and dry weather. This will determine if the cost impact will have a significant adverse impact on the City. This would also facilitate performing an economic analysis, which the City believes is required under Porter-Cologne.
- Because of the complexity of CEQA relative to this TMDL, Regional Board staff should consult with Regional Board planning staff and should give serious consideration to retaining a consultant to help with the CEQA clearance.

A program EIR or substitute should be appropriate for the LAR-BTMDL. However, it should be clear that the cost of compliance, based on cost data provided by the Regional Board for other TMDLs, could have a significant impact on other aspects of the environment.

In closing, the City appreciates the opportunity to comment on this very important matter and hopes that you take its concerns and recommendations into careful account. In the meantime, should you have any questions regarding this matter, please feel free to call me.

Sincerely,



Steve Esbenshade
Engineering Division Manager

LB



March 10, 2010

LB Nye
Chief, TMDLs and Standards
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street – Suite 200
Los Angeles, CA 90013

Subject: Los Angeles River Bacteria TMDL Scoping Issues

Dear Dr. Nye:

The **City of Irwindale** is pleased to comment on the Los Angeles Regional Water Quality Control Board's notice to "scope" the Los Angeles River bacteria total maximum daily load (LAR-BTMDL).

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This is why the Regional Board should circulate the draft LAR-BTMDL first before attempting to scope it. Once the Regional Board staff produces a draft, City recommends that it do the following:

- Identify which municipal permittees will be affected by the LAR-BTMDL.
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- Because of the complexity of CEQA relative to this TMDL, Regional Board staff should consult with Regional Board planning staff and should give serious consideration to retaining a consultant to help with the CEQA clearance.
 - Address the following as it relates to completing the CEQA clearance (EIR, negative declaration or a substitute thereof) for this project.
 - When does the Regional Board plan on preparing an initial study for the project and what environmental checklist does it plan on using?
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²The City recommends that the Regional Board resort a program EIR or substitute thereof because of the complexity of the TMDL and its enormous potential for causing significant environmental impacts.

- What agencies and/or groups does the Regional Board plan to circulate the draft CEQA clearance for comment?
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- What steps does the Regional Board plan to take to assure that environmental justice concerns are addressed?

A program EIR or substitute should be appropriate for the LAR-BTMDL. It should be clear that the cost of compliance, based on cost data provided by the Regional Board for other TMDLs, could have a significant impact on other aspects of the environment.

Take for example diverting low flow discharges from the storm drain system to a sewer treatment facility to meet the dry weather non-stormwater bacteria TMDL. Not only would the cost of this proposition be enormous to the extent of reducing City programs and services³ but there is the question as to whether the publicly owned treatment facility has the capacity to accept the non-stormwater runoff.⁴

In terms of wet weather treatment, cost will be even more problematic. According to cost data taken from the Los Angeles River Metals TMDL, the cost of installing infiltration controls⁵ would range from \$3.2 to \$11.6 million per year over a 22 year period.⁶

Further, wet weather flows directed to these intra-municipal infiltration controls, away from groundwater recharge basins (into which the City's runoff discharges) could have an adverse impact on hydrology/water quality. The question is would the project:

substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level

³Including but not limited to recreation for youth and seniors, low to moderate income housing development, economic development, public safety, and public works.

⁴Not only from the City but from other municipalities in the region also subject to the LAR-BTMDL.

⁵Specifically Austin and Delaware sand filter variants, infiltration trenches, and bio-filtration.

⁶Cost data was generated by CalTrans.

which would not support existing land uses or planned uses for which permits have been granted)?⁷

In closing, the City appreciates the opportunity to comment on this very important matter and hopes that you take its concerns and recommendations into careful account. In the meantime, should you have any questions regarding this matter, please feel free to call me.

Sincerely,



Kwok Tam
Director of Public Works

cc: Sol Benudiz, City Manager
Tracy Egoscue, Executive Office, LARWQCB
Marianne Lutz, Chair, LARWQCB

⁷Taken from the current CEQA environmental checklist that the City uses to evaluate projects for environmental impacts.

City of Los Angeles
Comments to the RWOCB
March 10, 2010
LA River Bacteria TMDL
Scoping Meeting

Thank you for the opportunity to comment on the Notice of CEQA scoping meeting and preparation of a proposed amendment to the WQCP for the Los Angeles Region (Basin Plan) to establish a TMDL for Bacteria in the Los Angeles River.

The City of Los Angeles has been working with stakeholders in the Los Angeles River, (including the Regional Board staff and EPA, as well as municipalities and environmental groups) for a number of years on dry weather bacteria issues. This work has included:

- researching and analyzing the sources of bacteria from drains to the Los Angeles River in two reaches,
- developing a dry weather TMDL with significant stakeholder involvement; and
- producing an implementation strategy which, **for the first time**, is based on a quantitative analysis of what it will take, reach by reach, to attain the Waste Load Allocation (WLA) for municipal drains to the Los Angeles River.

In that regard, we think that the alternatives for implementation presented to stakeholders recently in the CREST developed Implementation Plan should be specifically addressed in the Substitute Environmental Document Section describing Implementation Alternatives. Typically a laundry list of stormwater BMPS have been included in this section. But, because of the significant work of CREST not only analyzing storm drain outfall inputs but also developing quantifiable strategies to attain the MS4 WLA, a more detailed presentation of implementation alternatives can be provided in the Substitute Environmental Document and analyzed for impacts and mitigation.

We also remind interested stakeholders to go to www.CRESTMDL.org for the Implementation Strategy and remind all that comments are due this Friday March 12. Please contact me if you have any questions.

Donna Chen, City of Los Angeles



City of
San Gabriel

2010 FEB 6 PM 7:01
◆ City With A Mission ◆ Founded 1771 ◆

Steven A. Preston, City Manager ◆ 626-308-2805

March 29, 2010

LB Nye
Chief, TMDLs and Standards
State of California
Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street – Suite 200
Los Angeles, CA 90013

Subject: Los Angeles River Bacteria TMDL Scoping Issues

Dear Dr. Nye:

The City of San Gabriel is pleased to comment on the Los Angeles Regional Water Quality Control Board's notice to "scope" the Los Angeles River bacteria total maximum daily load (LAR-BTMDL).

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A program EIR or substitute should be appropriate for the LAR-BTMDL. It should be clear that the cost of compliance, based on cost data provided by the Regional Board for other TMDLs, could have a significant impact on other aspects of the environment.

Consider the example of diverting low flow discharges from the storm drain system to a sewer treatment facility to meet the dry weather non-stormwater bacteria TMDL. Not only would the cost of this proposition be enormous to the extent of reducing City programs and services³ but there is the question as to whether the publicly owned treatment facility has the capacity to accept the non-stormwater runoff.⁴

In terms of wet weather treatment, cost will be even more problematic. According to cost data taken from the Los Angeles River Metals TMDL, the cost of installing infiltration controls⁵ would range from \$10 million to \$37 million per year over a 22 year period.⁶

Further, wet weather flows directed to these intra-municipal infiltration controls, away from groundwater recharge basins (into which the City's runoff discharges) could have an adverse impact on hydrology/water quality. This question is:

Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?⁷

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Page 4
Regional Water Quality Control Board
March 29, 2010

In closing, the City appreciates the opportunity to comment on this very important matter and hopes that you take its concerns and recommendations into careful account. In the meantime, should you have any questions regarding this matter, please feel free to call Algis Marciuska, Acting City Engineer, at (626) 308-2806 Extension 4632, or e-mail him at amarciuska@sgch.org.

Sincerely,
CITY OF SAN GABRIEL



Steven A. Preston, FAICP
City Manager

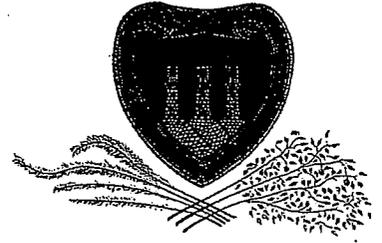
cc: Jennifer Davis, Interim Development Services Manager
Algis Marciuska, Acting City Engineer
Ray Tahit, TECS Environmental

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City of San Marino

Office of the City Manager

March 25, 2010



CINDY COLLINS
Assistant City Manager

LB Nye
Chief, TMDLs and Standards
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street – Suite 200
Los Angeles, CA 90013

RECEIVED
2010 APR 1 AM 10 40
CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

Subject: Los Angeles River Bacteria TMDL Scoping Issues

Dear Dr. Nye:

The **City of San Marino** is pleased to comment on the Los Angeles Regional Water Quality Control Board's notice to "scope" the Los Angeles River bacteria total maximum daily load (LAR-BTMDL).

The City has concerns about the Regional Board staff's process in formulating a CEQA clearance for this "activity." Specifically, the notice does not define the project. This is, perhaps, because a draft LAR-BTMDL has not yet been made public. As a result, based on the Regional Board's notice requests, the City would be unable to provide the following information:

- The reasonably foreseeable methods of compliance with the bacteria TMDL for themselves or other responsible parties.
- The reasonably foreseeable, significant adverse environmental impacts associated with the listed means of compliance.
- Specific evidence supporting that such impacts are reasonably foreseeable and describing the magnitude (significance level) of the impacts.
- Reasonable alternative means of compliance resulting in less significant, adverse environmental impacts.

Because the LAR-BTMDL is not the City's project, it would not know what the *foreseeable methods* of compliance would be with this TMDL; nor would it be able to provide specific evidence supporting methods of compliance that could or would result in significant environmental impacts. Additionally, determining compliance strategies requires knowledge of what the waste load allocation

(WLA) would be for the reach in which the City is located and its contribution, if any, to impairing the unspecified REC1 activity for the Reach 1 and 2 of the Rio Hondo.

Therefore, it would be helpful if the Regional Board would circulate the draft LAR-BTMDL first before attempting to scope it. Once the Regional Board staff produces a draft, the City would greatly appreciate if the following concerns were addressed:

- Identify which municipal permittees will be affected by the LAR-BTMDL.
- Identify the beneficial uses for each affected reach within the Los Angeles River and explain how bacteria impair them. The explanation should be detailed and based on credible evidence. For example, if REC1 is being impaired for Reach 1 and 2 the Rio Hondo, Regional Board staff should identify the specific REC1 activity¹ that it believes is being impaired with evidence supporting that contention.
- Identify the cost of complying with each strategy to meet the waste load allocations (WLAs) for wet and dry weather. This will determine if the cost impact will have a significant adverse impact on the City. This would also facilitate performing an economic analysis, which the City believes is required under Porter-Cologne.
- Because of the complexity of CEQA relative to this TMDL, Regional Board staff should consult with Regional Board planning staff and should consider retaining a consultant to help with the CEQA clearance.
- Address the following as it relates to completing the CEQA clearance (EIR, negative declaration or a substitute thereof) for this project.
 - When does the Regional Board plan on preparing an initial study for the project and what environmental checklist does it plan on using?
 - When does the Regional Board plan on deciding to the kind of CEQA clearance it will use²?
 - When does the Regional Board plan on sending a Notice of Preparation (NOP) of the CEQA clearance it will use to the affected agencies?
 - When does the Regional Board plan on preparing the CEQA clearance?

¹Specifically swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of hot springs.

²The City recommends that the Regional Board resort a program EIR or substitute thereof because of the complexity of the TMDL and its enormous potential for causing significant environmental impacts.

- When does the Regional Board plan on sending the draft CEQA clearance out for comment?
- What agencies and/or groups does the Regional Board plan to circulate the draft CEQA clearance for comment?
- When does the Regional Board plan on preparing a final CEQA clearance and a response to comments?
- When does the Regional Board plan making findings on the feasibility of reducing or avoiding significant environmental effects?
- When does the Regional Board plan on making a decision on the project?
- When does the Regional Board plan on filing a Notice of Determination with the Office of Planning and Research?
- What steps does the Regional Board plan to take to assure that environmental justice concerns are addressed?

The City of San Marino understands the cost of this proposition will have serious financial consequences for our city and will impact its future operational services, with reduced service levels for essential programs like public safety and recreation. Concurrently, we recognize the importance of improving water quality while complying with the Board's regulations.

In closing, the City appreciates the opportunity to comment on this very important matter and hopes that you take its concerns into careful account. Should you have any questions regarding this matter, please feel free to call me at 626-300-0708.

Sincerely,



Cindy Collins
Assistant City Manager

CC: Tracy Egoscue, Executive Office, LARWQCB
Marianne Lutz, Chair, LARWQCB



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

March 10, 2010

Dr. LB Nye, Chief
TMDLs and Standards
Los Angeles Regional Water Quality Control Board
320 W. 4th Street
Los Angeles, CA 90013

Subject: CEQA Scoping Session – Los Angeles River Bacteria TMDL
Objections to the Notice of California Environmental Quality Act (CEQA)
Scoping Meeting for a proposed Basin Plan Amendment

Dear Dr. Nye:

The City of Signal Hill has received the Regional Board's public notice on the CEQA scoping session regarding the Substitute Environmental Document (SED) for the proposed Los Angeles River Bacteria TMDL (TMDL). We are confused by the February 18, 2010 public notice (the "Notice") in that it does not clearly define what TMDL project the Regional Board is referring to. The Notice states that the purpose of the meeting is to "scope the foreseeable means of compliance and to determine if these means would result in significant adverse impacts to the environment."

As the lead agency for the proposed amendment to the Basin Plan to establish the Bacteria TMDL for the Los Angeles River (the "Project"), the Regional Board is required to schedule a public scoping meeting in light of the Project's expected regional and area-wide significance (Pub. Res. Code Section 21083.9(a); 14 Cal Code Regs. Section 15082(c)(1)). Notice of the Scoping meeting must be provided to all local public entities potentially affected by the proposed project, including in this case the City of Signal Hill. (Pub. Res. Code Section 21083.9(b)(1); 14 Cal. Code Regs. Section 15802(c)(A)-(D)). For this proposed Project, however, the Notice provided by the Regional Board was woefully deficient as it did not provide a sufficient description of the proposed project to

enable the City to obtain an adequate understanding of the Project itself, and thus to provide any meaningful input into its potential impacts on the environment.

As indentified in the Regional Board's February 18, 2010 notice letter "the purpose of (the) meeting is to scope the foreseeable means of compliance and to determine if those means would result in significant adverse impacts to the environment." Consistent with this purpose, the Notice requests that interested persons provide information relating to (i) foreseeable means of compliance with the Project, (ii) foreseeable adverse impacts to the environments associated with the Project, (iii) supporting evidence of impacts to the environment, and (iv) alternative means of compliance resulting in less significant impacts. However, because the Notice fails to provide an adequate description of the Project and its potential environmental affects, the City and other interested parties are unable to provide meaningful information to the Regional Board in response to its request.

CEQA guidelines require a lead agency such as the Regional Board in this case to provide "sufficient information describing the project and the potential environmental effects to enable responsible agencies to make a meaningful response" during the scoping process (14 Cal. Code Regs Sections 15082(a)(1)). Numerous legal cases have confirmed the need for an accurate, stable, and "finite project description," and that such a description is "indispensible to an informative, legally adequate EIR," in this case the SED. (*See County of Inyo v. City of Los Angeles (1977) 71 Cal.App3d 185, 192; and San Joaquin Raptor Rescue Ctr. V County of Merced (2007) 149 Cal.App.4th 645, 655.*)

Here, the Notice merely provides that the Regional Board is proposing to implement "bacteria objectives to protect water contact recreation (Rec-1) using a 'reference system/anti-degradation approach.'" The City, however, is left to guess as to what this means, and specifically as to:

1. What, when, where and how bacteria objectives may be applied;
2. What, when, where and how load and waste allocations may be applied and to whom;
3. What a "reference system/anti-degradation approach" means;
4. Whether other "alternatives" and approach are to be considered, and if so, a description of such alternatives and approaches;

5. What site or sites may be identified as the appropriate "reference site" in light of the other unique characteristics of the target water body; and
6. How the Regional Board proposes to differentiate between natural and anthropogenic sources of bacteria.

This undefined project description makes it very difficult for any watershed city to determine the exact impacts that they should anticipate under the TMDL and which environmental issues they believe the Regional Board must examine in the SED. The Regional Board must have an actual project recommendation, including an implementation plan and compliance schedule for the CEQA scoping session. These specific issues – what a city will be required to implement and the time to achieve compliance – all effect the potential adverse community impacts and the discussion of measures necessary to mitigate the impacts of the TMDL.

The Notice could have been improved if it referenced the CREST efforts undertaken by the City of Los Angeles, the U.S. Environmental Protection Agency and the Regional Board. The CREST website (www.crestmdl.org) has a series of technical documents related to the TMDL, including scientific studies and a draft Dry-Weather Implementation Plan, Technical Report Section 7. The City of Signal Hill has served as a member of the Steering Committee, along with the Regional Board, on the development of the science behind the TMDL for the last two years. We believe that the Committee has not completed its work. The Committee has certainly not made a recommendation on an implementation alternative, nor discussed the impacts of the alternatives, the compliance schedules or costs in great detail. In fact, the CREST team was working on scheduling the first City Manager's Briefing on the TMDL in April, prior to this notice being sent. We believe that the Regional Board's notice was premature.

Accordingly, the City respectfully requests that the March 10, 2010 meeting be rescheduled until such time as the Regional Board has provided an accurate, complete and finite description of the Project. Only after the Regional Board has provided such a Project description, may interested persons be in a position to meaningfully participate in the Scoping Process. We believe that the Regional Board would be wise to provide a revised public notice that fully describes the project and the anticipated impacts on the cities and schedule a new CEQA scoping session. It would make sense to also wait for the CREST Steering Committee to fully discuss the alternatives. Despite these significant public notice and CREST issues, we wanted to provide you with our initial

environmental concerns that we believe must be considered in the Scoping Notice and the SED itself.

Utility Capacity Issues Related to Dry-Weather Diversions

The Regional Board has been interested in the potential of diverting dry-weather flows to the local/regional sewer system for a number of years. The Board required that Los Angeles County, as the Principal MS4 NPDES Permittee, investigate possible diversions as a requirement in the 2001-MS4 NPDES Permit (adopted on December 13, 2001). The County Sanitation Districts of Los Angeles County coordinated efforts with the County beginning in 2003 to study potential diversions in their service area with a final report issued in 2007 (Final Report, Supplemental Characterization of Los Angeles County Storm Drains, July 2007, Consent Decree 92 0061 RG JRx). This final report developed a priority list of drains for potential diversion or alternative treatment, in order to ensure that available funding for the diversion projects and available sewer capacity are used to the greatest public benefit (Pages 1-2).

One of the TDML alternatives proposed by the CREST team is the diversion of a total of 122 storm drain outfalls to the local/regional sewer system. This alternative is termed the "Conventional Strategy – Outfall Based LRS." These 122 drains represent 20% of the total of 610 drains that the CREST team documented as flowing in dry-weather conditions. (The CREST team documented 280 drains flowing into the mainstream of the river and 330 drains flowing into the tributaries during dry-weather conditions.) The CREST team has estimated that the cost to the cities for this alternative is \$1.12 billion, over a 30 year period. A more detailed discussion of this alternative can be found in the Technical Report, Section 7 – the Dry-Weather Implementation Plan (February 2010), pages 33-41.

The CREST team made a series of assumptions in order to estimate the total costs of this alternative. Diversion costs were based on actual experience of the City of Los Angeles Bureau of Sanitation. It was assumed that the diversion could be located within 300 feet of the river, that the flow would be 0.15 cfs per outfall and that no local or regional sewer upgrades were necessary. There were no allowances for land costs or utility relocations.

The CREST technical report and the County Sanitation District study raises a series of questions about the potential environmental impacts of the TMDL, which relies either wholly or partially on dry-weather diversions to the sewer system. These questions include the potential of exceeding wastewater treatment requirements imposed by the Regional Board, requiring the construction of new wastewater treatment facilities or the expansion of existing facilities, the construction of new storm drain facilities which would cause significant environmental effects and a determination by the County Sanitation Districts that they have adequate capacity to accept the diversions outlined by the TMDL. All of these impacts must be carefully studied in the SED.

The County Sanitation District study states the following regarding the concerns over permit limits and capacity of their facilities to accommodate dry-weather flows:

"As a general rule, the Districts do not accept urban runoff flows in sewers tributary to the WRPs due to the potential impact on the District's ability to meet discharge limitations, nor do the Districts accept storm water flows to any sewer due to the potential to cause overflow conditions." (Page 2)

The County Sanitation District study specifically identified six diversions in the Los Angeles River that require additional engineering, with significant modifications to increase capacity or to connect the storm drain outfall with the sewer system. One diversion station for the City of Long Beach may have to be constructed on the opposite side of the river from the outfall. The report also suggests the construction of siphons may be required to cross the river to reach sewer lines opposite of storm drain outfalls. One of the sewer connections is located over 4,600 feet from the storm drain outfall, necessitating construction and maintenance of a very long force main. Yet another sewer is located over 4,900 feet from the outfall (3/4's of a mile away). Another diversion may have to be constructed over the Metro Blue Line Bridge and the I-710 Freeway.

This alternative raises concerns over construction impacts, including grading, utility relocations, noise, dust and air quality impacts and potential soil contamination issues. Cities may be required to construct dry-weather runoff storage tanks in order to accommodate daytime peak sewer flows in capacity strained areas, since the County Sanitation District Policy prohibits daytime discharges. The cities will also be required to pump dry-weather runoff, which increases electrical demands and maintenance costs.

These utility issues must be fully disclosed in the SED since they raise the issue of whether this alternative is even feasible (See Appendix D, Table 1).

Pre-Treatment Requirements Related to Dry-Weather Runoff

The issue of the environmental impacts of pre-treatment requirements must also be disclosed in the SED, since these requirements may also impact whether this alternative is feasible. As part of the diversion study, the County Sanitation District collected dry-weather water quality samples to measure compliance with the California Toxics Rule. The report indicated that "copper was most likely to exceed the standard." "The next most likely was lead" (Pages 22-23). The County Sanitation District report did not specifically address any "pretreatment" requirements that may be imposed by the District on dry-weather flows, since the report works from the assumption that the Cities will be responsible for any water quality issues related to dry-weather diversions.

Appendix B of the report includes the County Sanitation Districts' adopted policies for dry-weather diversions, including a requirement that the individual city would be "responsible for the quality of all wastewater discharged to the sewer system." The policy also states that:

"Wastewater diversions will not be allowed where incompatible pollutants have been detected in quantities that may interfere with the downstream treatment plant's ability to achieve waste discharge requirements. For the foreseeable future, diversions will only be allowed to the Districts' Joint Water Pollution Control Plant in Carson."

Finally, permits will only be issued for a five year period and the city will have to reapply to continue to divert dry-weather runoff. (Appendix B, Districts' Diversion Policy).

These pre-treatment measures may include the construction of sand-filters or other type of devices. The environmental impacts include the handling and disposal of hazardous substances, including disposal of sand and other media filters. As identified in the sewer capacity issues above, the cities may be required to construct tanks and other facilities for runoff for treatment, which would require additional land. All of these issues must be reviewed in the SED.

Other Considerations

The CREST Team identified a total of 122 diversions that might be necessary to implement the TMDL. It is unclear if the six diversions contemplated by in the Sanitation District study will result in significant improvements in water quality. The Regional Board should request that the Sanitation District provide information on their capability to service additional storm drain outfalls, since the CREST team is anticipating a significantly higher number of diversions will be necessary and what upgrades would be necessary. It would be important to know which potential diversions along the Los Angeles River and its tributaries could be diverted to the Carson plant, as opposed to the San Gabriel River plants. This would give a better sense of the possible impacts on the environment and the utility systems.

Additionally, the SED should be examining not only the utility and environmental impacts in the County Sanitation District's service area, but the impacts to areas served by the City of Burbank and City of Los Angeles sewer systems. Cities that are adjacent to these areas may be required by the TMDL to participate in diversions into these systems, so similar capacity and pre-treatment issues may exist. This review may also demonstrate that diverting 122 storm drains may be infeasible.

Downstream Based LRS Alternative

The CREST team also identified a hybrid alternative that relied on outfall diversions and the construction of six water treatment plants at strategic locations where major tributaries join the mainstream river (See Pages 42- 51 of Technical Report #7). The plant locations were identified at the Rio Hondo, Arroyo Seco, Verdugo Wash, Burbank-Western Channel, Tujunga Wash and Bull Creek. The report states that "some type of off-line diversion and treatment facility would be constructed in the general vicinity of the diversion location, potentially on publically-owned land." Water from the tributaries would be captured by a dam structure, diverted to the treatment plant and returned to the mainstream of the river (Page 46). The total estimated cost of this alternative to the cities is \$1.028 billion over a 30-year period (Page 48). This alternative has potential environmental impacts very similar to the diversion alternative, including impacts to soils and geology, grading, air quality, biological resources, cultural resources, hazardous materials and soil contamination, noise, utilities and service systems that require study in the SED.

Impacts on Public Services

CEQA requires a review of the impacts to public services, including the need for new or physically altered governmental facilities, the construction which would cause significant environmental impacts and the need for new or altered government services that could potentially impact acceptable service ratios, response times and/or other public performance objectives for fire or police protection, parks and other public facilities. The CREST team has identified potential new costs of \$1.12 billion to implement the TMDL, over a thirty-year period. As demonstrated by the comments in this letter, there is a serious issue of whether these implementation costs to local government are being under estimated.

The cities are facing major policy questions with the adoption of the TMDL. How much will the TMDL cost to implement? The CREST team has provided an informed view into the future. Whether the TMDL is implemented by individual cities, groups of cities or with a watershed approach has not been determined by the Regional Board. However, the costs to local government will be significant and could require new taxes and fees or substantial reductions in existing services.

It is clear from the Regional Board's past environmental documents that no staff expertise exists at the Board in local government finances/services and demographics. The Regional Board needs to retain a local government economist in order to determine the range of potential impacts on local government. This will assist the Regional Board and the cities in developing mitigations that result in a cost-effective and environmentally sound TMDL. The Regional Board should consider the impacts on the cities of the Metals TMDL on the Los Angeles River, in order to gauge the potential public service impacts from a Bacteria TMDL.

The watershed city managers, along with the County of Los Angeles and Caltrans, have worked during the past four years to develop a funding formula for the Coordinated Monitoring Plan and Special Studies, as well as completed the monitoring plan and developed work plans for the studies. The Metals TMDL funding formula allocates 80% of costs of these studies over a city's watershed. In order to adjust for the wide disparity of population size in the watershed, (e.g. the watershed contains the State's largest city – Los Angeles to some of the states smallest cities – Cudahy, Maywood, Signal Hill) a base amount was established for the remaining 20% of the funding formula.

The CREST consultant team prepared a "cash flow" projection for the alternatives. For example, the cash flow projection for the Conventional Strategy spreads out the \$1.12 billion in costs over the 30-year period to average annual costs of \$17 million for Years 4-12 of the TMDL, \$45 million annually for Years 13-23 and \$60 million annually for Years 24-32 (See Page 37). It is important to note that these costs are based on a "pay as you go" plan, assuming that the cities will have sufficient cash reserves to pay for these new TMDL costs. We have prepared a series of charts relying on the funding formula for the Metals TMDL in order to give a representation of the estimated compliance costs per city of the Bacteria TMDL. This assumption relies on a watershed approach, which may not be accepted by the cities, the County or Caltrans, but it gives a sense of magnitude of the individual impacts.

Annual Costs of Implementing the Bacteria TMDL
Watershed Approach – Conventional Strategy
Selected Cities

City	Years 4-12	Years 13-23	Years 24-32
Alhambra	\$247,662	\$655,576	\$874,101
Compton	\$269,597	\$713,640	\$951,520
Los Angeles	\$6,254,474	\$16,555,963	\$22,074,617
Monrovia	\$307,765	\$814,672	\$1,086,230
Pasadena	\$578,887	\$1,532,350	\$2,043,133
Signal Hill	\$105,739	\$279,898	\$373,198

Many of the watershed agencies, including the County of Los Angeles and Caltrans, are facing the steepest drop in revenues since the Great Depression of the 1930's. The prospects for a swift economic rebound are complicated by the high unemployment rates in the Los Angeles County and the watershed in particular. The current economic recession began in 2007 and was triggered by the collapse in housing prices globally. The recession caused numerous bank failures, forced consumers to curtail their spending and forced companies and government agencies to lay-off employees. The drop in consumer purchases has impacted Signal Hill's retailers, auto dealers and businesses in a dramatic fashion. We have now recorded a 29% decline in our sales tax revenues over the last two years. In real terms this is a \$3,663,000 drop in

revenues, accounting for 21% of our General Fund. This dramatic drop in revenues will take many years, if not a full decade to rebound.

Housing prices have declined by 41% in Signal Hill, beginning in 2008. The typical single-family home is now priced at \$382,000, as compared with \$740,000 at the peak of the market in 2007. These drops in home values have translated into corresponding losses in property tax revenues. The nation has also been plagued by high unemployment since 2007. Since the beginning of the recession the U.S. economy has lost over 8.6 million jobs, on top of the 6.7 million unemployed at the start of the recession.

The December 2009 unemployment numbers are grim. The national rate was over 10%, with over 15.3 million Americans currently unemployed. The local unemployment rates are even higher. Los Angeles County unemployment rates are 12%. Unemployment in the City of Long Beach is 13.2%, with 31,200 persons unemployed. Many cities in the Los Angeles River watershed are experiencing very high unemployment – the City of Commerce is at 21.1%, City of Compton is at 20.2%, the City of Bell Gardens is at 18.9% and the City of Paramount is at 17.4%. Eight of the lower watershed cities have unemployment levels above 15%. (See attached Gateway Cities Unemployment Rates – December 2009). It will take many years for the watershed's unemployment rates to recover, further impacting local government revenues and the ability of local governments to finance the TMDL's requirements.

The cities have other financial concerns beside falling revenues and high unemployment rates. Many cities are also experiencing growth in the costs of providing public services at the same time that revenues are declining. For example, many of the watershed cities are members of the California Public Employees Retirement System (Cal PERS). Cal PERS has reported a loss of 23.5% of their portfolio as of June 2009. The system is estimating major increases in PERS rates to their member agencies beginning in FY2011-2012. Retirement rates for Signal Hill are forecasted to increase by 26.9% for our safety employees and 22.17% for our miscellaneous employees over the next three-year period of time. Many of the watershed cities are operating with deficit budgets and have been reducing budgets, depleting reserve funds and attempting to raise new revenues. The added costs of the Bacteria TMDL and its impacts on existing services must be considered in the SED.

Socio Economic, Environmental Justice and Housing Impacts of the TMDL

We have enclosed with this letter a copy of the report prepared by the Gateway Cities Council of Governments in August of 2004 that examined the impacts of the Metals TMDL (Socio-Economic Factors and Environmental Justice Impacts of the Metals TMDL for the Los Angeles River). This report contains a format that the Regional Board could follow in preparing the CEQA review on the socio-economic impacts of the Bacteria TMDL. This report detailed that the watershed suffers from high poverty rates, very low education levels and impact on communities of color in the watershed. The report concluded that the Metals TMDL will most likely compete and reduce funding for programs that assist the poor and disadvantaged in the watershed. Although the data in this report is somewhat dated, the economic conditions in the watershed have deteriorated significantly since 2004, making the potential impacts even greater.

Also included with this letter is a copy of the report prepared by the Gateway COG on the impacts on housing from the Metals TMDL (Impacts on Housing of the Metals TMDL for the Los Angeles River, August 2004). This report concluded that the TMDL would likely impact housing affordability in the watershed, based on the scarcity of vacant land in which to construct the necessary treatment controls. A similar impact should be studied with the proposed construction of dry-weather diversion treatment controls, tanks, small treatment plants and the regional controls anticipated by the CREST team alternatives.

Cumulative Impacts

We believe that the Regional Board has done a very poor job at studying the cumulative impacts on the implementation of the "suite" of TMDLs for the Los Angeles River. This includes the Trash and Metals TMDLs, as well as the Bacteria TMDL. We have expressed our concerns in both the Trash TMDL and Metals TMDL that local governments have limited financial resources to implement the TMDLs and that a coordinated plan to improve the water quality of the Los Angeles River is urgently needed. Understanding cumulative impacts and the need for a coordinated plan to deal with the impairments are critical to developing a cost-effective and environmentally sound TMDL. The SED needs to consider the cumulative impacts of not only the Bacteria TMDL, being implemented over a 30 year period, but the impacts of cities being required to implement multiple TMDLs, with overlapping and conflicting

LAR Bacteria TMDL CEQA Scoping Meeting

March 10, 2010

Page 13

cc: Mayor and City Council

City Attorney

Department Heads

Mr. Rich Montevideo

Dr. Susan Paulsen

Attachments:

- 1) Draft – Los Angeles River Watershed Bacteria TMDL, Technical Report Section 7: Dry Weather Implementation Plan, CREST Consulting Team (February 2010)
- 2) Final Report, Supplemental Characterization of Los Angeles County Storm Drains, Sanitation Districts of Los Angeles County (July 2007)
- 3) Los Angeles River Bacteria TMDL Cost Allocation Formula (\$17 million, \$45 million and \$60 million)
- 4) Gateway Cities Unemployment Rates – December 2009
- 5) Social-Economic Factors and Environmental Justice Impact of the Metals TMDL for the Los Angeles River, Gateway Cities COG, August 23, 2004
- 6) Impacts on Housing of the Metals TMDL for the Los Angeles River, Gateway Cities COG (August 23, 2004)
- 7) Letter from Dr. Susan Paulsen, Flow Science Inc. (March 10, 2010)

implementation schedules. It should be noted that many cities in the Los Angeles River watershed are in multiple watersheds that have their own TMDLs and they are struggling to implement these requirements as well.

Alternatives to the Project

The SED needs to examine a full range of alternatives to the TMDL, not just the alternatives prepared by the CREST team. We have attached a copy of a letter prepared by Dr. Susan Paulsen, of Flow Sciences, on our behalf. It outlines more fully four additional alternatives (and combination of alternatives) that we are requesting that the Regional Board consider as part of the SED. It includes removal of the fecal coli form standard and retaining the E. coli standard, consistent with EPA's 1986 recommendations for health objectives for freshwaters within a region.

We also believe that the Board should be considering language consistent language being proposed in the Basin Plan amendment in the Santa Ana Region, which would have cities address "controllable water quality factors", such that cities would not be held responsible for noncontrollable sources of bacteria, such as wildlife and regrowth. The third alternative focuses on the elimination of human sources of bacteria in the watershed. This alternative could be combined with the other alternatives. The fourth alternative would be for the Board to consider performing a Use Attainability Analyses on whether the REC-1 and REC-2 uses are viable in the river. Many of the reaches were engineered in the 1930's as flood control channels and are not conducive and dangerous to swimming, even in dry-weather conditions. (See letter from Dr. Susan Paulsen, Flow Sciences, March 10, 2010).

The City of Signal Hill thanks you for the opportunity to submit these concerns, and looks forward to the Regional Board's submission of a revised Notice and thereafter an opportunity to provide more detailed input into this project and its potential adverse environmental impacts.

Sincerely,



Kenneth C. Farfsing
City Manager

LAR Bacteria TMDL CEQA Scoping Meeting

March 10, 2010

Page 13

cc: Mayor and City Council
City Attorney
Department Heads
Mr. Rich Montevideo
Dr. Susan Paulsen

Attachments:

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- 6) Impacts on Housing of the Metals TMDL for the Los Angeles River, Gateway Cities COG (August 23, 2004)
- 7) Letter from Dr. Susan Paulsen, Flow Science Inc. (March 10, 2010)
- 8) Gateway Cities Unemployment Rates, December 2009, Economic Development Department



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CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
LOS ANGELES REGION

CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

March 15, 2010

Dr. L.B. Nye, Chief
TMDLs and Standards
Los Angeles Regional Water Quality Control Board
320 W. 4th Street
Los Angeles, CA 90013

**Subject: CEQA Scoping – Los Angeles River Bacteria TMDL –
Additional Information**

Dear Dr. Nye:

The City of Signal Hill attended the CEQA Scoping Session for the Los Angeles River Bacteria TMDL held at the Regional Board's offices on March 10, 2010. At this meeting we submitted December 2009 Unemployment Data for fourteen of the cities impacted by the TMDL. These fourteen watershed cities are located in the Gateway Cities Council of Government area and comprise a significant total of the 40 cities in the watershed.

The December 2009 data calls the question on the need for the Regional Board to address the economic facts of life in considering the TMDL's impacts on existing city services, viable TMDL alternatives and the problems created by unrealistic compliance schedules. Many economists anticipate that the economic recovery will take several years to take hold, which will make it difficult for our cities to provide for existing public services, much less to afford the proposed mandates of the TMDL.

The California State Employment Department and the U.S. Bureau of Labor released the January 2010 Unemployment Data on March 11th, one day after the scoping session. Unfortunately, the rates have risen dramatically. On average, the unemployment rates have grown by 1.5%, with the City of Commerce experiencing an additional 3% increase in January alone. Their unemployment rate is now 24.2%

Unemployment Rates
Selected Communities in the LA River Watershed

<u>City</u>	<u>December 2009</u>	<u>January 2010</u>	<u>%Change</u>
Bell	15.8%	17.3%	1.5+
Bell Gardens	18.9%	20.6%	1.7+
Commerce	21.1%	24.2%	3.1+
Compton	20.2%	22.0%	1.8+
Cudahy	16.6%	18.1%	1.5+
Downey	9.7%	10.7%	1.0+
Huntington Park	17.8%	19.4%	1.6+
Long Beach	13.2%	14.5%	1.3+
Maywood	17.3%	18.9%	1.6+
Montebello	13.4%	14.7%	1.3+
Paramount	17.4%	19.0%	1.6+
Pico Rivera	11.3%	12.3%	1.1+
Signal Hill	9.0%	10.5%	1.5+
South Gate	15.2%	16.7%	1.5+

I have attached a copy of the entire survey for your information. You should also note that several unincorporated areas in Los Angeles County are also within the watershed. They are also experiencing very high unemployment.

As discussed at the CEQA Scoping Meeting, the communities along the I-710 corridor suffer from historic levels of high unemployment, which have only grown worse since the current economic recession began in 2007. I have attached a March 11, 2010 article from the Long Beach Press Telegram on the unexpected rise in employment rates in January. The article quotes Nancy Sidhu, chief economist at the Los Angeles County Economic Development Commission, as follows:

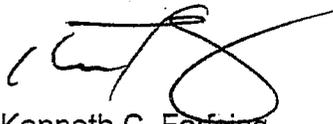
"The problem is that south-central and southeastern portions of Los Angeles County, communities up and down the 710 corridor for example, are much more impacted by the manufacturing crisis...That's a fundamental difference and one of the main reasons unemployment is so high in those areas and likely to remain high until replacement jobs can be generated."

Dr. LB Nye
March 15, 2010
Page 3

These unemployment numbers are truly Great Depression in magnitude, when 25% of the workforce was out of work. The statistics truly bring to the forefront the issue of how are these communities going to be able to balance the demands of provide existing services, with declining tax revenues, as juxtaposed to the new TMDL requirements.

We have raised the issue in our March 10, 2010 correspondence, as well as orally at the CEQA Scoping Session, that the Regional Board needs to retain a local government economist who can work with the Regional Board and the watershed cities in designing the most cost-effective and environmentally protective TMDL for the watershed. We understand that the Regional Board is facing budget restrictions, due the State's budget situation. However, the State's budget crisis should not be used as an excuse to defer on the study of the economics and city services review required in the SED.

Sincerely,



Kenneth C. Farfing
City Manager

cc: Mayor & Council
City Attorney
Department Heads
Mr. Rich Montevideo
Dr. Susan Paulsen
Mr. Man Voong, Regional Board

Attachments:

- 1) Gateway Cities Unemployment Rates – January 2010
- 2) "LB jobless rate rises to 14.5 percent," Long Beach Press Telegram, 3-11-2010

Flow Science Incorporated
723 E. Green St., Pasadena, CA 91101
(626) 304-1134 • FAX (626) 304-9427



March 10, 2010

L.B. Nye
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th St.
Los Angeles, CA 90013

Subject: Comments pursuant to CEQA Scoping Meeting
Proposed Basin Plan Amendment to Establish a TMDL for Bacteria in the
Los Angeles River
FSI 037033

Dear Dr. Nye,

Flow Science is pleased to provide comments on behalf of the Cities of Downey and Signal Hill for the CEQA Scoping Meeting for the proposed Basin Plan Amendment to Establish a Total Maximum Daily Load (TMDL) for Bacteria in the Los Angeles River. The Basin Plan currently includes water quality objectives for freshwater for both *E. coli* and fecal coliform. While it is unclear to us from the CEQA scoping notice just what the proposed project would entail, we have significant concerns about the development and implementation of TMDLs for indicator bacteria. Based on these concerns, which are outlined below, we would like to propose CEQA alternatives that should be considered, and that we believe would make the development and implementation of a TMDL for indicator bacteria more workable.

Numerous studies have shown that indicator bacteria, which are surrogates for the presence of human pathogens and do not themselves cause illness, originate from numerous sources. Some of these sources, such as human sewage and fecal matter, wastewater effluents (if inadequately treated), and discharges from confined animal feeding operations (CAFOs) and washwater, would certainly contain human pathogens, pose a risk of illness, and can and should be controlled. Fortunately, effluent from these sources is already highly regulated and disinfected. Other sources, such as runoff from homeless encampments, are likely to pose a human health risk but may be much harder to systematically and effectively control. A third class of bacteria sources includes wildlife (birds, coyotes, raccoons, etc.) and regrowth of bacteria within the environment. Elimination of these sources is likely to be difficult, if not impossible, to control—and control of these sources would in itself be undesirable, as it could conceivably include elimination of wildlife and/or disinfection or sterilization of ambient waters and sediments.



Because of the widespread and ubiquitous nature of the sources of indicator bacteria, and because of the ability of bacteria to reproduce abundantly in the environment, attainment of water quality objectives in receiving waters may be exceedingly difficult. Two local examples are worth mentioning. First, design flows of between 100,000 and 150,000 gallons per day of urban runoff from an area of Orange County with mixed land uses were treated using filtration and ultraviolet (UV) disinfection processes before discharge to Aliso Creek in Orange County. Although the treatment process produced significant reductions in the concentrations of bacteria in effluent (>99% reduction), bacteria concentrations rose to high levels (well above standards) after the treated water was discharged to the stream. The study authors noted that “a significant amount of bacteria regrowth takes place in the habitat in the short distance between the discharge point and the confluence with Aliso Creek.”¹

The second example of the importance of regrowth and/or non-human sources is the Los Angeles River itself. A Bacteria Source Identification Study conducted as part of the CREST study process evaluated concentrations of indicator bacteria in the Los Angeles River during six dry weather sampling events. The study also evaluated concentrations of bacteroidales, a bacteria associated with human fecal matter. The study demonstrated that bacteria concentrations in the river downstream of water reclamation plants (i.e., where the water present was primarily highly treated wastewater) were relatively low, but concentrations quickly rose with distance from the treatment plants. The study also showed that large increases in bacteria concentrations—to many times higher than the applicable water quality objectives—occurred routinely within the river. For example, concentrations of *E. coli* increased by nearly two orders of magnitude in all six sampling events in Reach 2 of the river between 6th Street and Slauson Ave. Importantly, the bacteroidales concentrations for all six (100%) of these sampling events indicated that the increase in concentrations was almost certainly not due to human sources of bacteria. A mass balance of bacteria concentrations in the river for the six sampling events indicated that “unknown sources”—not storm drains or tributaries—accounted for between about 50 and 90% of the indicator bacteria at the downstream end of the reach.² This information is important for three primary reasons:

- it indicates that removal or treatment of inputs from storm drains and tributaries (i.e., implementation via diversion and/or treatment) is unlikely to result in attainment of water quality objectives within the river (particularly Reach 2), in spite of very large anticipated expenditures,

¹ County of Orange 2005. Final Report, Agreement 01-227-550-0, Aliso Beach Clean Beaches Initiative, J01P28 Interim Water Quality Improvement Package Plant Best Management Practices, February 2005.

² See Los Angeles River Bacteria Source Identification Study: Final Report. A special study overseen by the Cleaner Rivers through Effective Stakeholder TMDLs (CREST) Collaborative Process. November 2008. Available online at <http://www.crestmdl.org/studies/BSI%20STUDY%20REPORT.pdf>.



- it indicates that source control measures will also likely be ineffective unless they are able to completely eliminate dry weather flows, and
- it indicates the problems with use of a “reference watershed” approach, which would greatly underestimate the rate of exceedance from natural (non-human) sources of bacteria.

Proposed CEQA Alternatives. For these reasons, it seems unlikely that controlling inputs from storm drains and tributaries to the Los Angeles River will result in attainment of water quality standards. Thus, we recommend that the Regional Board consider several alternatives, as detailed below.

Alternative 1. Remove fecal coliform as a water quality objective for the Los Angeles River (and other water bodies in the Los Angeles Region), retaining only *E. coli* as a water quality objective for REC-1 waters. As noted in the Staff Report for the 2008-2010 Triennial Review, the Regional Board intends to consider removing the fecal coliform objective for REC-1 freshwaters within the region. This change is appropriate in consideration of EPA’s 1986 recommended criteria and available science demonstrating that *E. coli* is a better indicator of human health risks than fecal coliform. This change would also be to support TMDLs for *E. coli* alone (i.e., excluding fecal coliform). We note also that no fecal coliform data exist with which to evaluate and/or implement a “natural background” reference watershed approach.

Alternative 2. Consider adding a narrative objective for indicator bacteria to specify that “pathogen indicator concentrations for *E. coli* shall not exceed the specified values [i.e., the numeric objectives for *E. coli* currently contained in the Basin Plan] as a result of controllable water quality factors...” This language is consistent with language being proposed as a Basin Plan amendment in the Santa Ana region, and would be intended to allow stakeholders to provide data and information to demonstrate to the Regional Board that, following implementation of measures to eliminate human sources of bacteria, remaining indicator bacteria concentrations are from noncontrollable sources, such as wildlife and regrowth. The addition of this language would allow the presence of indicator bacteria from natural, non-human sources, to remain in the river without constituting a violation of water quality objectives—subject, of course, to a demonstration that the bacteria were indeed from non-human sources.

Alternative 3. Consider an implementation plan that focuses on the elimination of human sources. Although identification of human sources is a component of the CREST-developed draft implementation plan, it is not a requirement. Thus, stakeholders could meet the proposed TMDL allocations by eliminating non-human sources of bacteria, which would presumably have a far lesser impact to human health risks than elimination of human sources. When coupled with Alternative 2, this would allow the greatest possible reduction in human health risk.



Alternative 4. Consider performing Use Attainability Analyses (UAAs) to evaluate whether the REC-1 and REC-2 uses are viable uses of the Los Angeles River. Many reaches of the Los Angeles River has been transformed into an engineered flood control channel with highly restricted access, making swimming and other contact recreational uses unattractive and impractical. It is unlikely that the river will be returned to a more attractive, natural condition—doing so would greatly increase flood risk—and the enormous expenditures that would be required to establish water quality suitable for contact recreation make it prudent to assess whether or not recreational uses can be attained or should be encouraged.

We appreciate the opportunity to provide comments, and hope that you find them useful during the CEQA scoping process. We would be happy to provide additional information, data, and references if you desire further information regarding the scientific and technical material presented above, or regarding the proposed CEQA alternatives for consideration.

Please contact me at (626) 304-1134 with any questions or requests for additional information.

Sincerely,

A handwritten signature in cursive script that reads "Susan C. Paulsen".

Susan C. Paulsen, Ph.D., P.E.
Vice President and Senior Scientist

LOS ANGELES RIVER



WATERSHED MANAGEMENT COMMITTEE

ALHAMBRA

ARCADIA

BELL

BELL GARDENS

BURBANK

COMMERCE

COMPTON

CUDAHY

EL MONTE

GLENDALE

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SAN GABRIEL

SAN MARINO

SIERRA MADRE

SIGNAL HILL

SOUTH EL MONTE

SOUTH GATE

SOUTH PASADENA

TEMPLE CITY

VERNON

March 30, 2010

Dr. L. B. Nye, Chief TMDLs and Standards
California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, California 90013

**Subject: LOS ANGELES RIVER BACTERIA TMDL
CEQA SCOPING MEETING**

Dear Dr. Nye:

At the March 17, 2010, meeting of the Los Angeles River Watershed Management Committee (LARWMC), a majority of the watershed permittees in attendance approved the preparation and submittal of this comment letter. This letter is regarding the Los Angeles River Bacteria Total Maximum Daily Load (TMDL) California Environmental Quality Act (CEQA) scoping meeting that was held on March 10, 2010.

First, the LARWMC would like to express its appreciation at the amount of effort and scientific thoroughness that the CREST Team has demonstrated. After a review of the CREST recommendations and attendance at the CEQA meeting by several of the watershed members, the LARWMC has concerns regarding the proposed Supplemental Environmental Document (SED). These concerns include, but are not limited to:

1. On average, the annual costs over the next 30 years for implementing the dry weather phase of this TMDL are estimated to be between \$100,000 and \$500,000 per responsible party through the first decade, with the annual costs quadrupling as the implementation enters the twentieth year¹. These costs do not include the potential costs for the condemnation procedures that will undoubtedly be necessary in order to procure land for storage, treatment and various facilities associated with low-flow diversions. The SED needs to take into account the fiscal burden this will impose upon individual parties, especially in light of the current economic condition many cities find themselves in. As was discussed in the opening statements at the March 10th meeting, City Managers will be facing hard choices of which services to reduce or eliminate in order to fund the implementation measures as required under this TMDL.

¹ Signal Hill, March 10, 2010 comment letter

In addition and of great concern to the responsible parties, these cost estimates are for dry-weather implementation only. The SED must also identify and discuss the potential impacts of wet-weather implementation (see item 7 below).

2. As discussed in the March 10th meeting, the most likely implementation scenario is the diversion of dry-weather runoff to sewage treatment plants. However, the Sanitation Districts of Los Angeles County has expressed concerns about the availability of treatment capacity. Even if the capacity exists, it would likely be available at off-peak hours only. This would necessitate the building of storage tanks along the river. Assuming that land is available and must be purchased, this would be a major additional expense. Additionally, the Sanitation Districts of Los Angeles County would be expected to charge a treatment fee, making for substantial costs above those already mentions in item 1 above. Thus, the availability of treatment capacity and the potential additional treatment costs need to be addressed in the SED.
3. Similarly, the use of infiltration as a potential implementation strategy requires further discussion. The amount of land area necessary to adequately address the dry weather flows should first be identified. Associated with this would be the need to identify the potential for liquefaction, which may restrict the areas that can be used for regional infiltration efforts.
4. At the March 10th meeting, it was pointed out that the Sanitation Districts of Los Angeles County has long term plans to reuse the water that is currently discharged from their treatment plants. When coupled with City efforts to reduce the amount of flows discharged into the river, this will significantly reduce the amount of water in the river and impact the estuary during the dry-weather season. Thus, a negative impact on the flora and fauna currently in the river can be expected and the SED must address these long term impacts.
5. Upon Sanitary Sewer Overflows becoming nearly eliminated under the existing SSO program, and any leaks or infiltration from septic systems similarly eliminated under the existing state program, there will be no significant anthropogenic sources left needed to be controlled. Individuals are occasionally observed using the river illegally for hygienic purposes, but these instances are not sufficient to cause the elevated indicator bacteria levels. It appears that "indicator bacteria" are a poor measure of the anthropogenic bacteria contribution and the appropriateness of this measurement parameter should be reviewed.

Along those same lines, the CREST testing has shown that in many instances along the river, the natural background will often exceed the allowable bacteria levels, regardless of whether or not there is dry weather flows from responsible agencies. The standards should focus only on controllable sources.

We understand that the TMDL will likely have a wet weather exclusion of REC 1 standards, but it is not clear what form this will take in the TMDL and the impact as well as the applicability of the wet weather standard will need to be thoroughly addressed in the SED.

6. Although we have been informed that responsible parties will have the option to implement "in-city" Best Management Practices in lieu of participation in the regional low-flow diversion project, this alternative was not presented at the meeting and should be included within the SED.

7. At the March 10th meeting, only dry-weather implementation was discussed. However, we have been informed that the TMDL will include wet-weather limits. These wet-weather TMDL limits as well as implementation measures and costs have not been discussed. This has the potential for even greater impacts to the responsible parties and needs to be included in the SED.

Finally, the appropriateness of the SED in lieu of (at a minimum) an Initial Study and programmatic EIR should be reviewed as the SED does not appear to follow the CEQA process.

Thank you for the opportunity to offer these comments. The cities of San Gabriel, San Marino, El Monte and South El Monte have indicated they will be submitting comments separately and the above comments may or may not reflect their views. Other individual parties may submit comments separately and we would appreciate any feedback to our comments above and those of other individual parties.

Sincerely,

A handwritten signature in black ink that reads "John L. Hunter". The signature is written in a cursive style with a long horizontal stroke extending to the right.

John L. Hunter,
Chair, Los Angeles River Watershed Management Committee.

From: "Heil, Ann" <AHeil@lacsds.org>
To: <lnye@waterboards.ca.gov>, <mvoong@waterboards.ca.gov>
Date: 3/17/2010 9:49 AM
Subject: CEQA Scoping Comments for the Los Angeles River Bacteria TMDL

The purpose of this email is provide written confirmation of oral comments provided on behalf of the County Sanitation Districts of Los Angeles County (Sanitation Districts) at the March 10, 2010 CEQA Scoping Meeting for a proposed Basin Plan amendment to establish a TMDL for bacteria in the Los Angeles River (LAR).

General Comments:

- The TMDL will have reasonably foreseeable significant impacts to the Sanitation Districts. The Sanitation Districts provide sewage service to most of the eastern portion of the LAR watershed. One of the primary means of compliance contemplated in the TMDL for dry weather compliance is diversion of dry weather runoff to the sanitary sewer system. While the exact number or volume of diversions that are being considered that would reach the Sanitation Districts is not yet clear, it is likely to be 50% or more of the diversions.
- The Sanitation Districts are willing to consider acceptance of dry weather runoff diversions as long as there is adequate capacity in downstream sewers and treatment plants, and the entities responsible for the diversions pay all necessary fees and follow all permitting conditions set by the Sanitation Districts.
- In order to ensure that diversions do not exceed downstream sewer capacities, it will be necessary for some diversions to include storage of runoff so that it can be discharged during off-peak hours.
- The Sanitation Districts may require pretreatment of the dry weather runoff, if data shows excessive concentrations of pollutants that can not adequately be removed at our wastewater treatment plants.
- Under no circumstances will the Sanitation Districts accept wet weather diversions.

Potential Environmental Impacts:

- **Earth.** It is anticipated that dry weather diversions will require significant amounts of soil disruptions/compaction to construct the diversions, conveyances, and storage tanks for off-peak discharges. Modification of channels may be necessary to install diversions. If the cumulative flow from the dry weather diversions to the Sanitation Districts necessitates construction of new or expanded pumping plants and/or wastewater treatment facilities, it is anticipated that there would be earth impacts from construction of any such facilities.
- **Air.** The treatment of diverted dry weather runoff will consume significant amounts of energy. The production of the energy will generate air pollutants and create greenhouse gases. The typical energy requirement for tertiary treatment of wastewater is 450 kWh/acre-foot (1380 kWh/million gallon), as determined by West Basin Municipal Water District. (The Inland Empire Utility Agency estimates a slightly higher value of 500 kWh/acre-foot, per "Hidden Potential: Recycled Water and the Water-Energy-Carbon Nexus, Water Environment and Technology, November 2008.) Over a year, that amounts to 504,000 kWh for each million gallon per day (MGD) treated. Per "Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources" (USEPA, January 1995), the conversion factor to determine CO₂ production from energy production is kWh/1333.33 = tons CO₂. Therefore, each MGD of runoff treated would result in the creation on 378 tons of CO₂. The Draft Dry Weather Implementation Plan for the TMDL estimates that 122 storm drains will need to be diverted, with an average flow of 0.15 cfs (about 100,000 gallons per day) per diversion, for a total flow of 12 MGD. Energy consumption would be 61,000,000 kWh per year, with 4500 tons of CO₂ produced per year. Other air pollutants would also be produced during energy production, including nitrogen oxides, carbon monoxide, sulfur oxides, particulates, and reactive organic gases. Note that these numbers only consider treatment of the runoff at a wastewater treatment facility; they do not include pumping to convey the runoff to the treatment facility. The pumping would consume additional energy that would result in creation of additional greenhouse gases and other air pollutants.
- **Plant Life/Animal Life.** The diversion of dry weather runoff from the LAR and its tributaries could result in certain sections of these waterbodies becoming ephemeral or dry. The Water Board should consider the cumulative impacts on habitat of such diversions, including consideration of additional reductions in flow due to water recycling.
- **Noise.** If the cumulative flow from the dry weather diversions to the Sanitation Districts necessitates

construction of new or expanded pumping plants and/or wastewater treatment facilities, it is anticipated that there would be noise impacts from construction and operation of any such facilities.

- Natural resources. Additional chemicals such as chlorine and polymer would be necessary to treat diverted runoff.

- Energy. See comments under "Air." For tertiary treatment of 12 MGD of runoff, approximately 6,000,000 kWh per year of electricity would be required. Additional energy would be required for conveyance of the runoff to treatment facilities.

- Utilities. Acceptance of large amounts of dry weather runoff will have significant impacts on the Sanitation Districts. In determining whether sewer diversions of dry weather runoff are feasible, the capacity of downstream sewers and treatment plants need to be considered over the life of the TMDL (30 years). Acceptance of dry weather diversions could necessitate construction of increased conveyance and treatment capacity earlier than would otherwise have been necessary. Additionally, acceptance of the diversions will cause sewers to run at a higher fraction of their design capacity, which could result in a higher frequency of sanitary sewer overflows.

If you have any questions regarding this email, please feel free to contact me at any time.

Ann Heil, P.E.
Supervising Engineer
Sanitation Districts of Los Angeles County
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Whittier, CA 90601
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aheil@lacsdsd.org